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General and complete disarmament

Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

Note by the Secretary-General

Addendum**

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* A/57/150.
** The information was received after the submission of the main report.

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Information received from Governments

Costa Rica

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1. The Government of Costa Rica considers the use, the possession and the threat of use of nuclear weapons to be unlawful under all circumstances and at all times. The existence of nuclear weapons is an affront to human rights. Their development, testing, production, possession, stockpiling and deployment constitute a threat to the fundamental right to life, owing not only to their potential use during armed conflict but also to their possible detonation as a result of human error. Their very existence creates an atmosphere of instability and insecurity that is contrary to respect for and observance of fundamental rights and guarantees.

2. The threat or use of nuclear weapons and the doctrine of nuclear deterrence violate the categorical prohibition against the threat or use of force in international relations contained in Article 2, paragraph 4, of the Charter of the United Nations. Their potential use also contravenes the absolute prohibition against armed aggression established in customary international law.

3. Use of such weapons violates the cardinal principles of international humanitarian law. Their use does not distinguish between legitimate targets of attack and civilian or internationally protected persons or objects. Because of their incalculable destructive potential, their use runs counter to the principle of proportionality and violates the status of neutral countries.

4. Costa Rica, as the first country to comply fully with General Assembly resolution 41 (I) of 14 December 1946 on the principles governing the general reduction of armaments, agrees with the authoritative opinion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. The Government of Costa Rica profoundly deplores that neither resolution 41 (I) nor the opinion of the International Court of Justice have been implemented.

5. During the period under consideration, Costa Rica has urged States that have nuclear weapons to make a real commitment to negotiate towards nuclear disarmament and has called upon them to renounce the development of new nuclear weapons, to adopt a no-first-strike policy and to ratify the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty. If the nuclear powers had been swifter to comply with these demands, the security dilemma now facing them would have been avoided.

6. During the fifty-second session of the General Assembly, Costa Rica submitted a draft of a convention on the prohibition of the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and on their elimination (A/C.1/52/7). Costa Rica profoundly regrets that the work of the Disarmament Commission has been brought to a standstill because a few States, motivated by contemptible national interests, have repeatedly abused the procedural rules to prevent any progress in negotiations.

7. Costa Rica continues to be firmly committed to the principles enshrined in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), which declared the region a military denuclearized zone as a necessary step towards general and complete disarmament. On 21 September 2001, Costa Rica ratified the Comprehensive Nuclear-Test-Ban Treaty.

Iraq

[Original: Arabic]
[10 September 2002]

1. The continuing existence of tactical and strategic nuclear weapons poses a threat to all humanity, and their use would have catastrophic consequences for all forms of life on earth. The only means of preventing the recurrence of a nuclear catastrophe is the general and complete elimination of nuclear weapons and the conclusion of a legally binding instrument prohibiting their production. Until that can be achieved, the international community must strive to make the Treaty on the Non-Proliferation of Nuclear Weapons universal, ensure that the nuclear-weapon States fulfil their obligations thereunder, conclude a legally binding instrument to assure non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons against the threat or use of nuclear weapons and do away with the nuclear-option policy as a means of deterrence in the context of international relations.

2. The advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons* is an important legal instrument in the area of nuclear disarmament, because it constitutes a legal and moral basis for pursuing the issue. It should be recognized and observed. The advisory opinion concludes that nuclear-weapon States have a legal obligation to pursue in good faith and rapidly bring to a conclusion negotiations leading to nuclear disarmament in all its aspects, which is in keeping with the commitment made by all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons in article VI thereof. Moreover, nuclear-weapon States should fulfil their unequivocal undertaking in the final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

3. The advisory opinion of the International Court of Justice must be seen as part of ongoing international efforts to eliminate the use or threat of use of nuclear weapons and to do away with those deadly weapons completely. Subparagraph E of the opinion reads as follows: "It follows ... that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law."

4. In its resolution 56/24 S, the General Assembly calls upon the nuclear-weapon States, now more than ever, to fulfil the obligations reaffirmed by the advisory opinion and to commence, as a matter of priority and in good faith, multilateral negotiations leading to the conclusion of a legally binding international instrument prohibiting the development, production, testing, deployment, stockpiling or threat of use of nuclear weapons and providing for their elimination under effective

international control. Iraq, as one of the sponsors of the draft of resolution 56/24, will strive, together with other peace-loving nations, to achieve that objective.

5. Events have shown that the present United States Government continues to evade the application of the set of provisions arising from the international agreements and conventions on disarmament and non-proliferation and its undertakings not to use or threaten to use nuclear weapons against non-nuclear-weapon States. In flagrant violation of the Charter of the United Nations, it is making plans to launch an attack against seven States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which the United States has lumped together in one category on the basis of its notion that these States constitute a danger to the interests of the United States and its allies.

The threat by the United States to use nuclear weapons against non-nuclear-weapon States that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons is a grave violation of its obligations under the provisions of Security Council resolutions 255 (1968) and 984 (1995). It is bringing the world to the brink of nuclear war and is very likely to plunge it into a new arms race in weapons of mass destruction.

6. The non-nuclear-weapon States urgently call upon the international community to ensure the observance of the international instruments and treaties on disarmament and non-proliferation, including the advisory opinion of the International Court of Justice, to provide additional guarantees concerning non-use of nuclear weapons or the threat thereof against them and to refrain from using these destructive weapons as an instrument of security policy or nuclear terrorism. It is vital to humanity that the goal of total elimination of nuclear weapons should be realized, as was made clear in the final document of the first special session devoted to disarmament by the General Assembly in 1978.